

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

GENE COGGINS
Plaintiff

V;

3:07cv597-WHA
CASE NO ~~3:07-CV-04-94~~

DARYL, and WIFE
LYNN KIAZZIAH.
Defendants

**REPLY TO DEFENDANTS ANSWER AND MOTION TO
DISMISS**

COMES NOW, THE PLAINTIFF IN THE ABOVE STYLED CASE WITH THIS
REPLY TO DEFENDANTS ANSWER AND MOTION TO DISMISS,, WHEN ANY RULE
OF LAW IS THE GUARANTEED DUE PROCESS AS GIVEN IN THE CONSTITUTION OF
THE UNITED STATES, COVERING THE RIGHT TO APPEAL FOR EVERY CITIZEN TO
BE HEARD AND HAVE THEIR DAY IN COURT, THIS CONCEPT OF "THE DUE
PROCESS OF LAW", IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED
STATES CONSTITUTION. U. S. V: Smith D.C. Iowa, 249 F. Supp. 515, 516. THE
RIGHT TO BE HEARD, TO REVIEW THE ANSWER FROM THE OTHER PARTY, WITH
BOTH PARTIES AWARE OF THE MATTER PENDING, AND TO ASSERT BEFORE THE
APPROPRIATE DECISION MAKING BODY. Trinity Episcopal Corp. V: Romney D. C. N.
Y. 387 F. Supp. 10444, 1084..

CAUSE OF ACTION:

THE CONSTITUTION OF THE UNITED STATES, GUARANTEES THE DUE PROCESS OF LAW TO EVERY CITIZEN. WHEN THIS PROCESS IS NOT ALLOWED OR ANY PART OF THESE GUARANTEED RIGHTS ARE NOT ABIDED BY THIS QUESTIONABLE RIGHT HAS TO BE SETTLED IN THE FEDERAL COURT SYSTEM, AS GIVEN IN THE FEDERAL RULES OF CIVIL PROCEDURES, 3, 4, 5, THE 5th. And 14th AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES. THIS APPEAL IS COVERED IN MY ORIGINAL COMPLAINT, BUT TO CLARIFY FOR THE ONES THAT CANNOT UNDERSTAND WHAT THEY READ, HERE THIS IS AGAIN;

1. THIS CASE HAS BEEN FILED IN COURT SINCE APRIL OF 1994. THIS TIME LIMIT DESTROYS THE GUARANTEED CONSTITUTIONAL RIGHT FOR A SPEEDY TRIAL. THE FEDERAL ACT OF 1074, SET OUT AND ESTABLISHED TIME LIMITS ON ALL EVENTS CARRIED OUT IN THE JURIDICAL SYSTEM AS SO PLACED ON THE SHORT TERM CALENDER, SO AS TO ASSURE A SPEEDY TRIAL. THE 7th AMENDMENT. OF THE UNITED STATES CONSTITUTION REQUIRES A TRIAL BY AN IMPARTIAL JURY, EITHER CIVIL OR CRIMINAL ON ALL ISSUES BETWEEN THE PARTIES, WEATHER THEY BE ISSUES OF LAW OR FACTS WITH NO RESTRAINTS OR ILLEGAL COST ADDED ON.

2. A SPEEDY TRIAL IS NOT CONFINED TO MERELY AN IMPAIRMENT, BUT INCLUDES ANY THREAT TO WHAT HAS BEEN TERMED AS ACCUSED'S SIGNIFICANT STAKES, PSYCHOLOGICAL, PHYSICAL, FINANCIAL, IN THE COURSE OF A PROCEEDING , WHICH MAY ULTIMATELY DEPRIVE HIM OF PROPERTY, LIFE,

LIBERTY, OR PRESUIT OF HAPPINESS. U. S. V: Dryer C. S. N.J. 533, F. 2d, 112, 115..
DENYING ME THIS RIGHT TO A SPEEDY TRIAL IS ANOTHER ILLEGAL PROCESS
THAT DESTROYS MY GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE
UNITED STATES CONSTITUTION..

3. DENYING MY RIGHT FOR A TRIAL BY JURY, IS GUARANTEED BY THE 6th
AMENDMENT OF THE UNITED STATES CONSTITUTION, THAT REQUIRES A TRIAL
BY AN IMPARTIAL JURY ON EITHER CIVIL OR CRIMINAL CASES ON ALL ISSUES
BETWEEN THE PARTIES. THIS RIGHT HAS BEEN DENIED BY PLACING A ILLEGAL
COST UPON A TRIAL..

4. THIS ILLEGAL COST PLACED UPON ANY COURT ACTION IS COVERED IN
FEDERAL RULE APP. P. 28 - 39, U. S. C. May V: Williams 17 Al 23, (1849).. ANY
PARTY HAS THE GUARANTEED RIGHT TO APPEAR IN ANY COURT WITHOUT ANY
PREPAYMENT OF FEES, COST, OR GIVING ANY FORM OF SECURITY THERE - OF..

5. UNDER THE DUE PROCESS OF LAW, THE ALLOWANCE OF AN APPEAL FROM
A LOWER COURT IS A GUARANTEED CONSTITUTION RIGHT, WHEN A LOWER
COURT FAILS TO, OR REFUSES TO DISSOLVE ALL ISSUES INVOLVED, IN
DETERMINING THE RIGHTS AND LIABILITIES OF THE PARTIES INVOLVED,, IS
IMMEDIATELY APPEALABLE, WITH NO ILLEGAL COST OR RESTRICTIONS
ADDED ON. Budinich V: Becton Dickinson & Co. 486, U. S. 196, 201, 108, S. Ct. 1717,
1772, 100 L. E. D. 2d, 178, 91988) LaChance V: Duffy's Sraft House, Inc. 146, F. 3d, 832,
837, (11th Cir 1980), FED. R. Civil P. 56.. THE RIGHT TO BE HEARD IN ANY COURT,
BY A JURY OF HIS PIERS, IN THE UNITED STATES IS GUARANTEED
CONSTITUTIONAL

RIGHT, THAT CANNOT BE DETERMINED BY ANY COURT OR JUDGE.

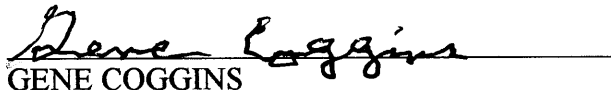
6. IN ITEM NO. 5 ABOVE, "WHERE A LOWER COURT FAILS OR REFUSES TO DISSOLVE ALL ISSUES INVOLVED", IN THIS CASE, THE FAILURE TO DEAL WITH THE ILLEGAL SURVIVORS DEED MUST BE SETTLED . WHEN A FAMILY HAS ONLY A TRUE DEED FOR 1.14 ACRES TO LIVE ON SINCE 1944, AND CLAIMS A DEED FROM THE DEATH OF THEIR GRANDPARENTS THAT OWNED NO LAND, OR PROPERTY AT THEIR DEATH, AND TRIES TO CLAIM MORE LAND THAN WHAT THEIR GRAND PARENTS ORIGINALLY OWNED WITH AN ILLEGAL DEED, WILL NEVER DISSOLVE ANY ISSUES BETWEEN THE PARTIES.. EVERY THING ABOUT THIS JOINT SURVIVORS DEED IS ILLEGAL AND NO FORM OF SIGNATURES OR SURVEY'S CAN CREATE A TRUE DEED FROM THIS..

7. THE BASIC RULE IN THIS CAUSE OF ACTION GOES BACK TO ALL OF THE GUARANTEED CONSTITUTION RIGHTS THAT I HAVE BEEN DENIED OF, AS SO GIVEN ABOVE. THE DEFENDANTS ATTORNEY HAS FAILED TO GIVE A PROPER ANSWER TO THE ISSUES INVOLVED IN THIS CASE, BY AVOIDING THEM, CREATING INTENTIONAL DELAYS IN THE PROCESS, FILING A MOTION FOR SANCTIONS. ANY MOTION FILED WITH THIS COURT TO AVOID THE PLEA AS GIVEN IN THIS COMPLAINT OR FAILS TO STATE IN SHORT AND PLAIN TERMS IS USELESS AND CONSIDERED AN INSUFFICIENT ANSWER.. Wright V: Miller Fed. R. Civ. P, s/s 1196, THE DEFENDANTS ATTORNEY HAS FAILED TO FOLLOW THE FEDERAL RULES OF CIVIL PROCEDURES, WITH THIS FORM OF PAPER WORK, AND AGAIN PLACING THE CART BEFORE THE HORSE IN FILING FOR SANCTIONS

AGAINST ME TO PAY HIS FEES. AGAIN THIS PROCEDURES ARE ILLEGAL FORM OF ACTION THAT ARE COVERED IN THE FEDERAL FAIR TRADE ACT, COVERING CITIZENS THAT LIVE ONLY ON SOCIAL SECURITY INCOME. THE TIME WE WERE INVOLVED IN THIS COURT, THE COURT RULED THAT HIS PAPER WORK WAS A JOKE TO THE JUSTICE SYSTEM, THIS SEEMS TO GET WORSE.. UNDER THE ESTABLISHED FEDERAL RULES OF CIVIL PROCEDURES, FORBIDS ANY FORM OF CONDEMNATION WITHOUT A HEARING, THEREFORE MAKING THIS ANOTHER ILLEGAL ATTEMPT TO COLLECT FEES. Petti V: Penn, La. App. 180, So. 2d, 66, 69..AND THE CONCEPT OF DUE PROCESS AS FOUND OIN THE 5th AMENDMENT OF THE UNITED STATES CONSTITUTION..

CONCLUSION:

UNDER THE ABOVE FEDERAL RULES, AND GUARANTEED DUE PROCESS OF LAW THIS ANSWER, MOTION TO DISMISS, AND MOTION FOR SANCTIONS MUST BE DISMISSED WITH PREJUDICE, AND DECLARED NULL AND VOID. .


GENE COGGINS

Cc:
ROBIN REYNOLDS